

April 24, 1999

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Ms. Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Room TW-A325
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: In the Matter of Defining Primary Lines
CC Dkt. No. 97-181

Dear Ms. Salas:

Enclosed please find one 3.5 inch diskette in Word Perfect for MS DOS containing Reply Comments of the Council of Organizational Representatives on National Issues Concerning People who are Deaf and Hard of Hearing in the above captioned docket.

Sincerely,

Evelyn Cherow/KS

Evelyn Cherow
American Speech-Language-
Hearing Association
10801 Rockville Pike
Rockville, MD 20852
301 897-5700 (V/TTY)

Donna Sorkin/KS

Donna Sorkin
Self Help for Hard of Hearing People, Inc.
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(301) 657-2248

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Before the
FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)

)

) CC Docket No. 97-181

Defining Primary Lines)

REPLY COMMENTS OF THE
COUNCIL OF ORGANIZATIONAL REPRESENTATIVES
ON NATIONAL ISSUES CONCERNING PEOPLE
WHO ARE DEAF OR HARD OF HEARING

I. Introduction

The Council of Organizational Representatives on National Issues Concerning People who are Deaf or Hard of Hearing (COR) submits these comments in response to the Federal Communications Commission's (FCC or Commission) Further Notice of Proposed Rulemaking (FNPRM) in the above captioned proceeding on primary lines.¹ COR is a coalition of national organizations that are committed to improving the lives of individuals who are deaf or hard of hearing. Constituencies of COR organizations provide a variety of services, including technological and telecommunications services, educational programs, support groups and self-help programs, medical, audiological, and speech-language pathology assessment and rehabilitation services, information on assistive devices and technology, and general information

¹ The following members of COR support these comments: Alexander Graham Bell Association, American Society for Deaf Children, American Speech-Language-Hearing Association, The Caption Center, Conference of American Instructors for the Deaf, Conference of Educational Administrators of Schools and Programs for the Deaf, League for the Hard of Hearing, National Association of the Deaf, Registry of Interpreters for the Deaf, Self Help for Hard of Hearing People, Inc., and Telecommunications for the Deaf, Inc.

on other services for deaf and hard of hearing consumers. Among other things, COR serves as a bridge among interested organizations, the general public, and the community of people with disabilities on matters concerning deaf and hard of hearing individuals. COR has participated in a number of the FCC's earlier proceedings relating to telecommunications access by individuals who are deaf, hard of hearing, or speech disabled.

II. The FCC Should Require Assessments of SLCs and PICCs to be Functionally Equivalent

In the instant rulemaking, the FCC is considering how it should treat second lines used by individuals who are deaf and hard of hearing for the purpose of assessing subscriber line charges (SLCs) and presubscribed interexchange carrier charges (PICCs). COR wishes to express its gratitude to the Commission for considering this issue in its proceeding on primary lines. Increasingly, over the past several years, the Commission has come to recognize disability access needs when addressing new telecommunication issues. The Commission's present proposal to achieve equitable treatment reflects an understanding within the Commission of the need to address disability access questions even in proceedings that may, on their face, not appear to be disability-related. This offers a welcome change from the Commission's early years, and we praise the Commission for its new awareness.

Because the Commission's rules on SLCs and PICCs allow for higher assessments for non-primary residential lines and multi-line business lines than for primary residential lines and single business lines, if left alone, the rules would impose higher assessments on individuals required to use additional lines for telephone access. We agree with the Commission that this would create an inequitable result for such individuals. The Commission is correct in noting that many TTY users have a dedicated telephone line for their TTY communications, to avoid confusion with

hearing housemates. FNPRM 41. In addition, sometimes a single individual may need two lines for telephone access. As noted in the initial comments submitted by Self Help for Hard of Hearing People, Inc. (SHHH), individuals who use two-line VCO require three-way conference calling to better approximate the communication that hearing people have. Comments of SHHH at 3-4; Comments of Telecommunications for the Deaf, Inc. (TDI) at 2. This is because two-line VCO is necessary to enable telephone users to simultaneously receive voice and data from the parties with whom they are communicating. Two-line VCO allows a call to flow smoothly and with more transparency, by eliminating the need to take turns while communicating. When using a relay service, two-line VCO also adds privacy to the call. See Comments of National Association of the Deaf and the Consumer Action Network (NAD/CAN) at 3-4.

SHHH raises a second example where a single individual who is deaf or hard of hearing may need a second line for telecommunications access. SHHH notes that it is common practice in a number of states for relay services to transcribe voiced telephone messages to TTY relay users. Because, at present, voice mail is not typically TTY accessible, this is the only way in which TTY users are able to retrieve their messages. Yet the only way that this service can be provided is with a second telephone line, because one of the lines must be used to access the relay service.

TDI, SHHH, and NAD/CAN all confirm that individuals who are deaf or hard of hearing must incur heavy expenses to achieve even basic telephone access. See Comments of TDI at 4; Comments of SHHH at 3; Comments of NAD/CAN at 3. Added equipment, extra lines, and higher long distance charges are typical for such individuals. Some states have taken note of this, and have developed state equipment distribution programs, programs that reduce TTY rates, or

practices that permit the waiver of conference calling costs for two-line VCO². But state programs vary widely. Neither states nor common carriers have been consistent in their practices with respect to TTY users. As a consequence, more often than not, such individuals have incurred expenses associated with gaining access to the telephone which are significantly greater than those incurred by users of voice telephones.

The Commission's proposal to assess subsequent lines dedicated to TTY communications at the primary line rate takes a significant step toward recognizing that these subsequent lines are not enabling the subscribers of such lines to receive something over and above what others are receiving. Rather, these extra lines provide the *only* means of access for their users. Toward this end, we support the Commission's proposal to classify such lines as primary, even if another line at the same location is already considered the primary line.

However, we agree with the NAD/CAN and SHHH that the Commission's proposal does not go far enough. In order to achieve true functional equivalency with other telephone subscribers, COR urges the Commission to direct carriers not to assess any SLCs or PICCs on subsequent lines needed for telecommunications access, whether such lines are used for residential or business purposes. Elimination of these charges should apply whether the subscribers in question are served by price cap LEC lines or rate-of-return LECs. FNPRM ¶42.

The Commission clearly has sufficient authority to take the action sought by COR. The universal service obligation contained in the Communications Act directs the Commission to take whatever action is necessary to provide all Americans with affordable and accessible telephone

² TDI notes that Wisconsin provides a full subsidy for conference calling needed for two-line VCO. Comments of TDI at 4 n.6.

service. Indeed, under this authority, the Commission can direct that subsidies from the Universal Service Fund be used in part to cover the SLCs and PICCs eliminated from the bills of deaf and hard of hearing individuals. Similarly, in the Telecommunications Act of 1996, Congress sent a clear mandate to the Commission to take additional steps to ensure accessible telecommunications services for individuals with disabilities. Commission action to eliminate these subsequent charges would be in keeping with the goals and objectives of Section 255. Finally, as the Commission itself notes in the FNPRM, Section 225(d)(1)(D) of the Commission's rules prohibits telecommunications relay service users from paying rates that are greater than the "rates paid for functionally equivalent voice communication services." FNPRM 44. Imposing extra SLCs and PICCs for essentially the same basic telephone service violates Section 225's prohibition against excess billing. Individually and jointly, these various sections provide more than ample authority for the Commission to eliminate the SLC and PICC on second residential and business lines that are needed for access by deaf and hard of hearing individuals.

The Commission raises concerns about how it will identify individuals who qualify for lower assessments. FNPRM ¶45. Many carriers already have information about TTY users because of existing state TTY distribution programs, as well as programs designed to reduce long distance TTY charges. See Comments of NAD/CAN at 5; Comments of TDI at 4-5. Remaining residents can be identified through self-certification. For example, personal affidavits may be used for individuals to attest to their need for added telephone lines.

III. Conclusion

We applaud the Commission's efforts to ensure telecommunications access for all Americans. By eliminating the SLCs and PICCs on additional lines needed to achieve

telecommunications access, the Commission will be helping to achieve this goal. This and other actions should be taken, as new technologies and services become available, to ensure that individuals with speech and hearing disabilities do not pay over and above what other subscribers must pay to attain access to our nation's telecommunications services. COR urges the FCC to eliminate these added charges in order to achieve a more equitable balance between users of specialized customer premises equipment and users of conventional voice telephones.

Respectfully submitted,



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Co-Chairs of COR

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